

D/E

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

VINCENT WILLIAMS,

Petitioner,

-against-

CHRISTOPHER ARTUZ, Superintendent,

Respondent.

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00-cv-1761 (ARR)

NOT FOR ELECTRONIC
OR PRINT PUBLICATION

OPINION AND ORDER

ROSS, United States District Judge:

On May 30, 2013, Petitioner filed a motion for reconsideration, Dkt. #23, of this court's September 7, 2000 order, Dkt. # 11, denying his petition for a writ of habeas corpus under 28 U.S.C. § 2254. Invoking Federal Rule of Civil Procedure 60(b)(2) and (3), Petitioner asserts that his motion is based on "newly discovered evidence" and "fraud, misrepresentation, or other misconduct by the respondent." Dkt. #23, at 1; see Fed. R. Civ. P. 60(b)(2), (3).

"Rule 60(b) specifically provides that a motion for relief from judgment may be made for reasons (1), (2), and (3) not more than one year after the judgment . . . was entered. This limitations period is absolute" Warren v. Garvin, 219 F.3d 111, 114 (2d Cir. 2000) (internal citation and quotation marks omitted) (first alteration in original). Petitioner's motion for reconsideration was filed more than a decade after judgment was entered in his case on September 18, 2000, Dkt. # 12.

Plaintiff's motion for reconsideration is therefore denied as untimely.

SO ORDERED.

s/ ARR

Allyne R. Koss
United States District Judge

Dated: June 3, 2013
Brooklyn, New York